

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

WOMEN OF COLOR FOR EQUAL JUSTICE, et al. and
on behalf of similarly situated individuals,

Plaintiffs,

v.

THE CITY OF NEW YORK, MAYOR ERIC L. ADAMS,
COMMISSIONER ASHWIN VASAN, MD, PHD,
DEPARTMENT OF HEALTH AND MENTAL HYGIENE,
AND DEPARTMENT OF EDUCATION AND DOES 1-20

Defendants

**RULE 16 STATUS CONFERENCE
REQUEST**

INDEX No.: 1:22-cv-02234

Pursuant to Federal Rules of Civil Procedure §16 (a), Plaintiffs request a pretrial conference for the purpose of: (a) expediting disposition of this case, and (b) to establish control of the case so that it is not protracted due to lack of management. Plaintiffs Complaint contains a request for Declaratory Judgment pursuant to 28 U.S.C. §2201 to determine their rights, powers and privileges under the OSH Act, wherein F.R.C.P §57 permits this Court to order a speedy hearing of a declaratory judgment action. Therefore, Plaintiffs requests a hearing to schedule the speedy resolution of the below listed motions pending before this Court as follows:

	<u>Pending Motions</u>	<u>Party</u>	<u>Filing Date</u>	<u>Response Date</u>	<u>Reply Date</u>
1.	Motion to Dismiss ECF #47	Def. NYC	3/8/2023	3/28/2023 Plaintiff ECF #52	4/3/2203 Def. ECF # 56
2.	Proposed Letter Motion for Summary Declaratory Judgment and Class Certification Pl. ECF #60 Proposed Draft MSJ ECF #57	Plaintiff	5/26/2023		
3.	Rule 11 Sanctions Motion ECF #64	Plaintiff	7/10/2023	8/14/2023 Def. ECF #69	8/15/2023 Pl. ECF #70
4.	Motion to Amend Complaint – Final ECF #73	Plaintiff	8/24/223		
4.	Rule 60(B)(3) Motion to Set-Aside For Fraud On the Court ECF #74 Expedited Ruling requested	Plaintiff	8/24/2023	9/7/2023 Def. ECF #76	9/29/2023 Pl. ECF #79

On December 28, 2023, it will be 90-days since Plaintiffs filed their Reply Rule 60(b)(3) Motion to Set-Aside this Court's Order denying Plaintiffs preliminary injunction issued a year prior on December 11, 2022, based on fraud on the Court. Plaintiffs understand the seriousness of their "fraud on the court" allegation against New York City for making material misrepresentations of law to this Court and that Plaintiffs provided this Court with many cases to rule on the motion. Plaintiffs further acknowledges that this case involves issues of first impression dealing with OSH Act federal pre-emption of New York City's Covid-19 vaccine orders, along with the more serious claim of the City's violation of Plaintiffs Constitutional First Amendment Free Exercise Rights and freedom to choose medical treatments for communicable diseases that are "medically necessary" and "supported by the evidence" under OSHA.

However, because this case does not require any discovery to resolve the fraud claim (as it is does not involve any claims that the City offered fraudulent factual evidence in this case) nor to resolve the constitutional claims for which irreparable harm is ongoing,¹ Plaintiffs request for a status conference is reasonable to resolve the pending motions and to set dates for Plaintiffs proposed Motion for Summary Judgment and class certification to comply with objectives of the federal Declaratory Relief Act.

RESPECTFULLY SUBMITTED,

DATE: December 19, 2023

By: /s/ Jo Saint-George
Jo Saint-George
Women of Color for Equal Justice
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Bowie MD 20721-1246
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¹ Many Plaintiffs are still being denied their full rights regarding their jobs because not all have been allowed to return to their pre-pandemic jobs and are being denied standard employee benefits and more, despite the City's amendment to the Vaccine Orders.

CERTIFICATE OF SERVICE

I declare under penalty of perjury that on December 19, 2023 I served the Rule 16 Request for Status Conference on Defendants Attorney Elisha L. Rosen by electronic mail and City mail portal to:

Elisheva L. Rosen
Assistant Corporation Counsel Office
of Hon. Sylvia O. Hinds-Radix
The City of New York Law
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E-mail: erosen@law.nyc.gov

Dated: 12-19-2023

By: /s/ Jo Saint-George
Jo Saint-George